

The House Committee on Judiciary Non-civil offers the following substitute to HB 214:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving theft, so as to define and establish the crime of theft by conversion of health care benefits; to provide that a person commits such crime when he or she converts to his or her own use certain health insurance benefits or other similar benefits in violation of a written assignment of such benefits to a health care provider; to provide for punishment; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving theft, is amended by adding immediately after Code Section 16-8-4 a new Code Section 16-8-4.1 to read as follows:

"16-8-4.1.

(a) Where an insured or a person covered as a dependent of the insured has in writing assigned health insurance benefits or other similar benefits to a health care provider for the cost of health care services provided by the health care provider, the insured and his or her insured dependents shall have the status of fiduciaries with respect to any assigned benefits received by them.

(b) A person commits the offense of theft by conversion of health care benefits when:

(1) Such person or a person insured as a dependent of such person has executed a written assignment of health care benefits in which:

(A) Health insurance benefits or other similar benefits payable to such person for the cost of health care services provided by a health care provider were assigned to the health care provider;

(B) The person executing the assignment agreed to promptly forward to the health care provider health insurance benefits or other similar benefits received for the cost of the health care services provided by the health care provider; and

(C) There was included a prominently displayed statement in substantially the following form:

'I UNDERSTAND THAT I AGREE TO TRANSFER TO (NAME OF HEALTH CARE PROVIDER) ANY HEALTH INSURANCE BENEFITS OR OTHER SIMILAR BENEFITS RECEIVED FOR THE COST OF HEALTH CARE SERVICES PROVIDED BY (NAME OF HEALTH CARE PROVIDER). I UNDERSTAND THAT ANY PERSON WHO CONVERTS TO HIS OR HER OWN USE THE BENEFITS ASSIGNED SHALL BE GUILTY OF A CRIME PURSUANT TO CODE SECTION 16-4-4.1 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED.'; and

(2) Such person knowingly, willfully, and in violation of the written assignment of health care benefits converts to his or her own use health insurance benefits or other similar benefits received by such person for the cost of the health care services provided by the health care provider.

(c) A person who commits the offense of theft by conversion of health care benefits shall upon conviction be punished as provided in Code Section 16-8-12.

(d) No person shall be found guilty of an offense under this Code section if such person within 30 days after the receipt of assigned health insurance benefits or other similar benefits forwarded the assigned benefits to the health care provider."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.